

1 William D. Hyslop
2 United States Attorney
3 Eastern District of Washington
4 Michael J. Ellis
5 Assistant United States Attorney
6 Post Office Box 1494
7 Spokane, WA 99210-1494
8 Telephone: (509) 353-2767

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 02, 2020

SEAN F. MCAVOY, CLERK

9 UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA,

2:20-CR-61-RMP

12 Plaintiff,

INDICTMENT

13 v.

Vio: 18 U.S.C. § 2251(a), (e):

Production of Child

14 JOSE ANTONIO MENDOZA,

Pornography (Counts 1, 2, 3)

15 Defendant.

18 U.S.C. § 2252A(a)(2),

(b)(1): Receipt of Child

Pornography (Count 4)

Forfeiture Allegations

18 U.S.C. § 2253

21 The Grand Jury charges:

22 COUNT 1

23 Beginning on or about February 26, 2017, and continuing until on or about
24 March 20, 2017, in the Eastern District of Washington, the Defendant, JOSE
25 ANTONIO MENDOZA, did knowingly employ, use, persuade, induce, entice, and
26 coerce any individual who had not attained the age of 18 years, namely Minor 1, to
27 engage in sexually explicit conduct, for the purpose of producing a visual depiction
28

1 of such conduct, and such visual depiction was produced and transmitted using
2 materials that had been mailed, shipped and transported in and affecting interstate
3 and foreign commerce, all in violation of 18 U.S.C. § 2251(a), (e).

4 COUNT 2

5 Beginning on or about December 1, 2019, and continuing until on or about
6 December 8, 2019, in the Eastern District of Washington, the Defendant, JOSE
7 ANTONIO MENDOZA, did knowingly employ, use, persuade, induce, entice, and
8 coerce any individual who had not attained the age of 18 years, namely Minor 2, to
9 engage in sexually explicit conduct, for the purpose of producing a visual depiction
10 of such conduct, and such visual depiction was produced and transmitted using
11 materials that had been mailed, shipped and transported in and affecting interstate
12 and foreign commerce, all in violation of 18 U.S.C. § 2251(a), (e).

14 COUNT 3

15 Beginning on or about November 1, 2015, and continuing until on or about
16 November 25, 2019, in the Eastern District of Washington, the Defendant, JOSE
17 ANTONIO MENDOZA, did knowingly employ, use, persuade, induce, entice, and
18 coerce any individual who had not attained the age of 18 years, namely Minor 3, to
19 engage in sexually explicit conduct, for the purpose of producing a visual depiction
20 of such conduct, and such visual depiction was produced and transmitted using
21 materials that had been mailed, shipped and transported in and affecting interstate
22 and foreign commerce, all in violation of 18 U.S.C. § 2251(a), (e).

24 COUNT 4

25 Beginning on or about April 4, 2014, and continuing until on or about
26 January 9, 2020, in the Eastern District of Washington, the Defendant, JOSE
27 ANTONIO MENDOZA, did knowingly receive child pornography, that had been
28 mailed, shipped and transported in and affecting interstate and foreign commerce
by any means, including by computer, and that was transported via any means or

1 facility of interstate and foreign commerce, to wit: still image and video files
2 depicting minor and prepubescent children engaging in sexually explicit conduct,
3 all in violation of 18 U.S.C. § 2252A(a)(2), (b)(1).

4 NOTICE OF CRIMINAL FORFEITURE ALLEGATIONS

5 The allegations contained in this Indictment are hereby re-alleged and
6 incorporated by reference for the purpose of alleging forfeitures pursuant to
7 18 U.S.C. § 2253.

8 Pursuant to 18 U.S.C. § 2253, upon conviction of an offense(s) in violation
9 of 18 U.S.C. § 2251(a), (e), as charged in Counts 1, 2, and 3 of this Indictment,
10 and/or upon conviction of an offense in violation of 18 U.S.C. § 2252A(a)(2),
11 (b)(1), as charged in Count 4 of this Indictment, the Defendant, JOSE ANTONIO
12 MENDOZA, shall forfeit to the United States any visual depiction described in
13 section 2251, 2251A, 2252, 2252A, 2252B, or 2260 of this chapter, or any book,
14 magazine, periodical, film, videotape, or other matter which contains such visual
15 depiction, which was produced, transported, mailed, shipped or received in
16 violation of this chapter; any property, real or personal, constituting or traceable to
17 gross profits or other proceeds obtained from such offenses; and, any property, real
18 or personal, used or intended to be used to commit or to promote the commission
19 of such offenses, or any property traceable to such property. The property to be
20 forfeited includes, but is not limited to:

- 21 1. A Samsung Galaxy S8 cellular device, serial number R28K22FECBM;
- 22 2. A 16GB SanDisc MicroSD card, serial number E41661630;
- 23 3. An 8GB SanDisc MicroSD card, serial number unknown; and
- 24 4. A Motorola Moto GXT1034 cellular device, serial number TA91900W7R.

25 If any of the property described above, as a result of any act or omission of
26 the Defendant:

- 27 a. cannot be located upon the exercise of due diligence;

- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 2253(b).


DATED this 2 day of June, 2020.

A TRUE BILL

Foreperson



William D. Hyslop
United States Attorney



Michael J. Ellis
Assistant United States Attorney